



I hereby Certify that this Correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on September 24, 2001

Martin G. Linihan
Name
Martin G. Linihan
Signature
September 24, 2001
Date of Signature

RECEIVED

OCT 01 2001

TO 3600 MAIL ROOM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

John Thomas Hare et al.

Examiner H.E. Behrend

Serial No.: 08/793,416

Group 3641

Filed: October 23, 1997

Paper No. 10

For: Moulded Radiation Shield

RESPONSE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action mailed August 22, 2001, Paper No. 9, setting forth a restriction requirement, applicants hereby elect with traverse the invention of Group I defined by claims 1-14. Applicants reserve the right to file a divisional application under 35 USC 121 containing claims 15-19 directed to the inventions of Groups II and III.

Reconsideration of the restriction requirement is respectfully requested for the following reason. The restriction requirement appears to be based on the Examiner's position regarding the patentability of claim 1 set forth in paragraph 1 of the Office Action. In response to that issue, applicants

enclose herewith for the Examiner's consideration a copy of the International Preliminary Examination Report in the parent application PCT/GB95/02013. That report indicates on the third page thereof that claim 1 defines an invention having both novelty and incentive step, the reasons being detailed in paragraph 2 on that page. EP 0147147 is specifically distinguished over in that paragraph, and the "documents cited in the SR" include British 849655 which is in the family of the cited reference FR-A-1168251.

Paragraph 2 of the Office Action does refer to different classes and/or subclasses for the inventions of Groups I, II and III. However, it is respectfully submitted that the Patent and Trademark Office Classification system should serve as a guide, but not be finally determinative of such matters.

Accordingly, for the reasons set forth above, reconsideration of the restriction requirement is respectfully requested.

Responsive to paragraph 3 of the Office Action, applicants elect the species of Fig. 1 shown in the instant application. Claims 1-10 and 12 are believed to read on the elected species.

Responsive to paragraph 5 of the Office Action, applicants elect silicone resin as the species of outer polymeric material for purposes of examination. Claims 1-14 read on the elected species.

Favorable action on this application is respectfully submitted.

Respectfully submitted,

Hodgson Russ LLP

By 

Martin G. Linihan

Reg. No. 24,926

One M&T Plaza, Suite 2000
Buffalo, New York 14203
(716) 848-1367
September 24, 2001